IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 3180 of 2005

Between:

K. Srinivas Rao S/o Late K. Subbarayudu
R/o Kukatpally, Hyderabad Ranga Reddy District (GPA Holder of K. Lalitha Kumari D/o Late V. Satyanaryana)

..... PETITIONER

AND

1 The Joint Collector, Ranga Reddy District at Hyderabad
2 The Revenue Divisional Officer, Chevella Division, at Attapur,

Ranga Reddy District.
3 The Mandal Revenue Officer, Medchal Mandal, Ranga Reddy district
4 Akula Satyanarayana S/o Late A. Rangaiah Indian, R/o Medchal

Village and Mandal, Ranga Reddy District
5 Akula Nagender, S/o Late A. Rangaiah Indian, R/o Medchal Village

and Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of mandamus, declaring the action of the respondents as illegal, and void further for bearing them from interfering with the lawful possession of the petitioner and his wife in Sy.No.1090/B, Situated at Medchal Village and Mandal, Ranga Reddy District admeasuring 4-00 of land.

Counsel for the Petitioner: MR.T.SUBRAMANYAM

Counsel for the Respondents 1 to 3: GP FOR REVENUE

This Court at the admission stage made the following: (order follows 2nd page)

O R D E R

This writ petition is filed to declare the action of the respondents as illegal and void, further for bearing them from interfering with the lawful possession of the petitioner and his wife in survey no.1090/B situate at Medchal village and Mandal, Ranga Reddy district admeasuring Acs:4-00 of land.

The petitioner submit that his wife got Acs:4-00 of dry land in sy.no.1090/B situate at Medchal village and Mandal of Ranga Reddy district and that his wife got the same at the time of her marriage in the year 1994 towards paspu kumkuma. Thereafter, it was gifted to his wife by Smt.V.Dhanalakshmi wife of late Satyanarayana.

It is submitted that the alleged tenants, Mr.Akula Satyanarayana and Mr.Akula Nagender sons of Mr.Late Akula Rangaiah are trying to evict the petitioner on the basis of alleged Section 38-E certificate obtained from the third respondent.

It is further submitted that a similar attempt was made against some other owner and that owner is strong enough to get orders from the civil courts and against which the same alleged tenants filed second appeal before this court, which is pending.

After hearing the learned counsel for the petitioner, I am not able to appreciate the contentions raised in this writ petition, as the issue involved in this writ petition needs both oral and documentary evidence, which has to be recorded by a competent civil court. The writ petition is misconceived and cannot be entertained

under Article 226 of the Constitution of India. The writ petition fails and is liable to be dismissed.

In the result, the writ petition is dismissed. No costs.

JUNE 20th, 2005. ----------

ISL ELIPE DHARMA RAO,J.

To

1 The Joint Collector, Ranga Reddy District at Hyderabad
2 The Revenue Divisional Officer, Chevella Divisiona, at Attapur,

Ranga Reddy District.
3 The Mandal Revenue Officer, Medchal Mandal, Ranga Reddy district
4 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two C.D. Copies.